NOTES

MYSORE GOVERNMENT SECRETARIAT PWD 9/CBRP 2

File No. LDA 21 B 1/57

Department of PWD

Section Major Irrigation

Subject: Letter addressed to the Chief Minister by Shri Shivamurthappa, Chairman, No. 1, Purasabha, Davanagere.

References:

Date	To whom sent	Notes and instructions
13	[illegible]	
23	CE	
		Maybe presented. CE 16/IV/58 W/S (Tech-II Section)
		19/4/58 20/3/58

Letter addressed to the Chief Minister of Mysore
from Sri. B.C. Sharanappa, cashier, No. 9
Survey & ~~Transit~~ Designs Division, Thyavagie.
— at pages 1–5 c/s.

I enquired the D.C.E (HIS) over phone about this matter. He informed me that no depth report has been received either from the S.E. or S.E. so far. He incidentally made enquiries with one Sri. Ranga Gowda Supervisor who has been transferred from Kottamally to the circle office recently and it is learnt that Sri. B.C. Sharanappa, has absconded from his office since a few days and that he had addressed a similar letter to the S.E. Thyavagie from a hostel from near Mangalore. The E.E. seems to have received this letter on about the 16th inst., after his return (along with the S.E) from Tungabhadra. I have requested the D.C.E to contact the concerned officers over phone (from the Vertical dept.) and get a detailed report in the matter. Meanwhile, it may either be advisable to send the above letter by Registered post to the ~~S.E.~~ S.E. or S.E. with a request to hand it over to the police authorities for further needful, or to send the same to the I.G.P. by Muddalam for necessary action. See P.W.D. 19.2.

BRp. Letter addressed to the chief minister by Sri S. Saravanan Cashier, Surveys Division Thyvarige

PWD 218 B/87

---

2) Issue instructions for immediate report

Issued AVP 19.7.87

Issued to the S.E. Surveys Division Thyvarige (Secretariat)

3) D.O. letter no 34, dated 20.7.87 from the E.E. No 9 Survey & Design Division, Thyvarige.

The report of the E.E. No 9, Surveys and Design Division, Thyvarige, which was recd. in person yesterday, is at pages 9 to 16 c/s. His report and all its enclosures may kindly be perused. The EE has addressed the local police authorities for taking up necessary investigation. No action seems to be necessary by this office at this stage as we have to await a report in this connection from the CE(PH) and also the results of the police investigation. The EE may perhaps be addressed to intimate the results of the police investigation. But meanwhile, it may be desirable to place this file before the PH(PWD) for info and perusal.

4) Issue a letter to the E.E. asking him to let us know whether the whereabouts of Sri Savanappa have been found. Then the file may be put up. BM 23.7.87

D/f PWD

Sgd PWD

KL 22/7/87 (K.S. MURTHY) PH PWD

BAp. letter addressed to the Chief Minister by Sri S. Shivanappa - Cashier - Survey Dept Tyamagi

Mysore Government Secretariat

File No. of 1957. [App. F. III 2

PW 0 218 BAp

Serial No.

5) DE EE, who he met me on 21.7.57, informed me that the whereabouts of Sri Savarappa are not known to him. He just told me that as per the postal marks in the letter he has recd from him, the letter seems to have been addressed to the EE from a place called "Hanpankatte". (pl. see ch (A) at page 12 c/f. But however, EE will be addressed to inquire where the whereabouts of Sri Savarappa have since been found out & put up pl. address & put up

KL 24/7/57

6) Submitted with a draft

24/7/57 24/7/57

7) Issue & put up

KL 24/7/57

Issued 30/7/57

8) The letter issued and re-submitted for orders

31.7.57 31/7/57

8) Para 5 above may pl. be seen w.r.t. para 4 ante. However, further report from EE will be awaited.

KL 31.7.57

D/S 1408

9) BM, 1.8

1.8.57

19 c F.

Receipt no 1221 - 1223/S dt 5-8-57.

Note.—Contn. Sheet

Bhadra project - Misappropriation of Govt funds.
Sri C. Shivaraja Carrier Surveyor Gr. I Tyarekere.

Mysore Government
Secretariat

18/mpp File No. PWD 218 BM of 1957.

Serial No.

From the Chief Engineer Major Irrigation South Bangalore

Rcmpt No. 39 dt 6.8.57 ff 35 cf

From the Exe. Engr. Survey & Design Division Tyarekere

1) We have already received reports from the E.E. Concerned. Anyhow the letter of the CE dated 9(5) and its enclosures at pages 1 to 3 cf and letter from the E.E at page 35 cf may be perused. The circumstances stated we may await further developments in the behalf.

12/8 12/8/57

2) For Perusal

13/8/57

3) Results of Police enquiry and the E.E's explanation called for by the CE may perhaps be awaited

13/8

16/8/57

4)

17/8

17/8/57

+ Rcmpt No 1665/5 dt 14.9.57 from the Chief Engineer Major Irrigation 36-37 ci

RECEIVED TO GOVERNMENT
Date 14/9/57
PUBLIC WORKS & ELEC. DEPTT.

Bzeva project — Misappropriation of Govt money — Sri. C. Shivanappa Cashier

Mysore Government Secretariat

File No. of 195 7

[App. F. III 2

PW 29 218 RBP

Serial No.

South Bangalore

38cF. Receipt memo No NT 948-52 dt 14.9.57 from the Exe Engr No 9 Survey & Designs division Thyagaraja

14) Note of the Secy PWD on the PWD at page 38.

"Are there no previous papers?

Sd/- B.K.S. 19/9/57

15) Pl put up with the Connected file

Sd/- K.B.N. 19/9

At 20.9.57

16) The letter of the chief Engineer at pages 36-37 and the memo of the Exe Engr at page 38cF may be perused w.r.t para 12 ante. In the circumstances referred to may await further report from the EE BS

239

57

Receipt memo No S3782-85 dt 19th Sept 1957 from the Supg Engineer T V circle forwarding a copy of letter addressed to the chief Engineer major irrigation South.

17) The letter of the SE at pages 40-45. 38cF may also be perused w.r.t para 16 ante. Report from the EE BS may be awaited

18) 4/3) 24/9/57

Note.—Contn. Sheet

Bhadra project - Misappropriation of Govt money -
Sri C. Shivanappa, Cashier

File No. PWD 218 BAP of 1957. Mysore Government Secretariat

	Serial No.
Letter No. 1833-36/5 dt 8/10 oct 57 from the Chief Engineer Major Irrigation South Bangalore.	46cF
Representation of Sri B. Channabasappa, native of Holalkalmuru addressed to the Chief Minister.	49cF
19) note of the C.M on the petition "put up records" Hd-D. S.W. 4.10.57.	
Letter No. 1871-1872/5 dt 11-10-57 from from the Chief Engineer Major Irrigation South Bangalore.	51cF
20) The petition of Sri Channabasappa father of Shivappa addressed to the C.M at pages 49cF may be seen. He has requested to consider the case sympathetically, and to pass orders to withdraw the case. and to transfer Shivappa	
21) The latest letter of the C.E. and its enclosures at pages 51-56 C.F may be perused. The Chief Engineer States that the S.E TVC has recommended that the police case may be withdrawn and that departmental action may be taken against the official and suitable punishment meted out to him. Since the	

Bzora project : misapp proceedings of Govt money -
sri. T Sivanappas

Mysore Government Secretariat

File No. PLO 218 BAP of 1957. [App. F. III 2

Serial No.

amount has been made good by the father of the offender, The exec Engineer has agreed with the S.E and has recommended that the may be viewed Sympathetically

22) As AS the Govt money has already been made good The police case may perhaps be withdrawn by in Consultation with the law dept, as a 1st case; and in view of the circumstances referred Departmental action may be taken against the official after his reinstatement

Pl See next page

Note.—Contn. Sheet

CHM/182.

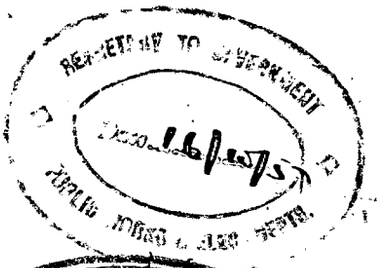
OFFICE OF THE CHIEF MINISTER.

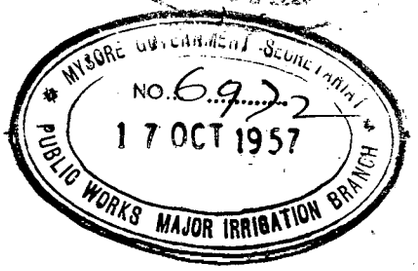
NOTE.

Dated. Oct. 15, 1957.

Sp

23) It is learnt that a case is pending investigation, in regard to the misappropriation of Government funds, made by Shri B.C. Sharanappa, Cashier, P.W.D. Thyavangi, Channagiri Taluk, Shimoga District and that his relatives have made good this amount ~~xxx~~ and are requesting for the withdrawal of the case. The Chief Minister desires that a note with ~~xxxxx~~ records, if any, may please be sent immediately.





By order,

I. P. Mallappa 0/13/10

(I.P.Mallappa)
Private Secretary to
the Chief Minister.

Secretary to Government,)
Public Works Department.)

49cF. 24) ~~xxx~~ ~~xxx~~ ~~xxx~~

13 Lakhs project. Misappropriation of Govt Money. : 13 C. Shivanagappa, Cashier

Mysore Government Secretariat

[App. F. III 2

18 pages

File No. PWD 218 B 13 of 195).

Serial No.

26) A revised note is put up as instructed. Two petitions addressed to the Chief Minister are at pages 1-5 & 49 from 18/10/57.

27) A note on the subject is put up at pages 57 to 59 c/f. The file may be submitted to the C.M. U.v.r. para 23 ante.

18/10/57

K. B. MURARAPPA,
Under Secy., P. W. Depts

28) B. S. Srikantaiah
18-10-57
Dy Secy (PWD)

SECRETARY TO GOVERNMENT 683 18/10 PUBLIC WORKS & ELEC. DEPTS.

Secy (PWD).

29) Let a note in typed neatly in continuation of this note. Has a case been launched ? If so, in which court ?

or 19/10.

Bdo
21/10

30) I learnt from the Secy, Thyavanige (who is now here in connection with the S.T. Rs meeting) that he has no information from the police authority, that a case has been launched in this connection. He presumes that the case has not yet been launched in any court and only a police complaint has been given by the dept.

21/10/57

31)

Note:-

Shri Sharanappa was a Cashier of No. 9 Survey and Designs Division, Thyavanige, Chennegiri Taluk.

Note.—Contn. Sheet

Bhadra project - Misappropriation of Govt. money by B.C. Sharanappa Cashier

File No. PWD 218 BNP of 1957.

Mysore Government Secretariat

Serial No. pp 1-5 CF

He addressed a letter (dated 12-7-57) to the Chief Minister, stating that he had misappropriated the Govt. funds upto Rs. 1200/-, in the Office of the Executive Engineer of the above Division. He had also declared his intention to commit suicide by drowning. The letter of Shri Sharanappa at pages 1 to 5 CF may also be perused. Soon after the receipt of the above letter, in this office, attempts were made to enquire into the details of the case from the Ex. Engineer, No. 9 Surveys and Designs Division, Thyavangi.

Subsequently, the CE, Major Irrigation (S) reported that Shri Sharanappa left the Head-quarters on 9-7-1957 evening, without handing over charge, but leaving the key of the cash chest on the table of the Accountant, and since then his whereabouts are not known. The Executive Engineer, who accompanied the S.E., TBV Circle for attending the S.T.A.C. meeting at Bangalore, on his return from tour on 17-7-1957, found a letter addressed to him by Shri. Sharanappa, confessing that he had misappropriated a sum of Rs. 1200/- out of Govt. cash, in his custody. It is also reported that the E.E. checked up the cash balance and found that a sum of Rs. 1204-77NP was short in the aggregate. A cheque drawn in favour of Shri Arjun Singh, Contractor for Rs. 4,341/- 44 NP which had not been delivered to the party was found missing. The Bank of Mysore, Davangare, had however reported that the above cheque was not presented for encashment and they were advised to stop payment on the same. The EE is said to have reported the facts to the Police authorities at Santhebennur for further action.

Subsequently, the CE forwarded a copy of letter dated 26-8-1957 of the DSP Shimoga, addressed to the EE, stating that further enquiries have revealed that Shri Sharanappa has not committed suicide, as per his letter (Sharanappa's) dated 12-7-1957 addressed to the E.E. It was also stated that the accused is absconding and efforts are being made to trace him.

Further, the CE reported that the amount of Rs. 1,204-77 NP misappropriated by Shri B.C. Sharanappa had been remitted by Shri B.Channabasappa, father of Shri Sharanappa, to the Bank of Mysore, Ltd. Davanagere on 13-9-57.

WD 0136-GPB—P. Z. S.- 80,000—21-4-57.

Mysore Government Secretariat

File No. PW 29 218 BAS of 195

[App. F. III 2

Serial No.

Petition dt 17-10-57 from Sri B. Channa-seppa, Nolakalmuru, father of Sri Sharad Cashier

(41) Minutes of the Min for P.25 on the petition

"Seq. p.25 ft put up. records."

" " " Instd. H.K.V. 18.10.57

(42) The Minister has already formed the file vide para 35 ante. The Report has been called from D.G.P., perhaps the same may be awaited.

Sd/- 4/11 Sd/- 4/11/57

(43) Remind IGP & the concerned officers.

KL 5.11.57

(44) A dft D.O reminder is put up.

Sd/- 6/11 Sd/- 6/11/57

(45) Issue letter

H (C.M.)

Issued

(46) M.Q.

8/11/57

Receipt D.O letter No 97 dt 4-11-57 from the E.E. Tunnel Division Thyavanige

(47) The letter at page F 7/c may be perused w.r.t. para 37 ante. The D.G.P has also been reminded

Note.—Contn. Sheet

Bhadra project - misappropriation of Govt funds - by Sri [illegible] of - cashier

File No. PWD 218 BRP of 1957

Mysore Government Secretariat

Serial No.

The report from the Y.G.P. may be awaited.

Sms 11 (48) Yes; if necessary, send a telegram.
10/11/57. 10/11/57 KBSP along with two copies.

X

Receipt memo No J.C. 296/57 dt 8-11-57 from the Dist Supdt of police Shimoga — P. 73 C.F.

(49) The letter of the D.S.P. of Shimoga may be seen. V.R.K.
para 37. Report from Y.G.P. may be awaited.

Sms 11
12/11/57. 12/11/57

50) The report of the Dist. Supt. of police Shimoga, at page 73 C.F. may be seen. The report furnishes particulars raised in the marginal note of the day dated 24.10.57, against para (34) ante. The file may be marked to the Secretariat

Venkatesan
Bhadra Project
By
15/11/57

51) In para 36, the Chief Minister was pleased to direct that the information might be got early and the file submitted to the Chief Minister for orders. In page 73 C.F., there is a report of the District Superintendent of Police, Shimoga dated 8-11-1957. The matter pertains to the alleged misappropriation of Government funds by one Sri B.C.Sharanappa, Cashier, No.9 Survey & Designs Division, Thyavanige, Bhadra Reservoir Project. The D.S.P. states that a case in Cr.No.127/57/u/s 409/IPC has been registered against Sri B.C.Sharanappa. The case is under investigation. The accused

WD 0136-GPB—P. Z. S.—80,000—21-4-57.

Serial No.

is absconding and his whereabouts are not known sofar. Earnest attempts are being made to apprehend him. The Inspecting Officer concerned ~~is~~ has been instructed to trace the absconding accused and complete the investigation early.

52) It is also reported that an amount of Rs.1,204.77 has been made good by Sri Channabasavappa, the father of the accused. The father of the accused has also requested the authorities concerned to consider the case favourably.

53) The file is submitted for orders as directed in para 36.

B.S. Srikantiah 16/11

(B.S.Srikantiah)
Dy.Secretary to Government,
P.W. & Elec. Dept.

OFFICE OF THE MINISTER FOR PUBLIC WORKS No. F-266 NOV 1957 BANGALORE

OFFICE OF THE CHIEF MINISTER No. 2831 Date. 18/11/57

M(PWD)

52) 18/11

55) C.M. It is evident that the man has committed the offence & deserves punishment. But the amount has been paid in full & the father of the official. The father pleads that his official had to commit suicide & not to be traced that he is afraid that the police has got hold. There seem to be two alternatives open. One is to dismiss him from service & drop further investigation & the other is to proceed with the investigation & file charge sheet, enquiry etc. & the charge sheet has been placed I would prefer the first alternative. Min. P.W.D. Have my views see 21/11/57

OFFICE OF THE MINISTER FOR PUBLIC WORKS No. F-266 NOV 1957 BANGALORE

Note.—Contn. Sheet

File No. of 195 .

Mysore Government Secretariat

Serial No.

56) As suggested by the Minister may be discussed how the official may be dismissed from service. Further investigation may be stopped and the prosecution withdrawn. KW — 23/11

F-2966.

Immediate Min for Home

57) Action as per the orders of C.M is to be taken by Chief Secretary P.W.D. 28.11.57.

THE MINISTER FOR ... No. 3024 2 ...

SECRETARIAT ... N 29.991 30 NOV 1957 PUBLIC WORKS & ELEC. DEPTT.

58) For perusal

Sec Home (Mr Rebello) ✓
+ Sec Law (Mr R.P. Varudes)

30/11/57
D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

59) 31/11

60) If it is proposed to dismiss the Govt. Servants, a decision has to be taken after following the procedure laid down in Art 311 (2) of the Constitution. It is submitted that since notice has already registered a case, there is no provision under which a direction may be given to withdraw further investigation. In case they

MI 991

Serial No.

a Charge-sheet is filed, the question of withdrawing will the case with the permission of the Court may have to be considered.

Sec (PWD) — 3/12

R. P. VASUDEO
Addl. Secy. Law. Dept.

35-34/71 (1.12.57)

61)

SECRETARY TO GOVERNMENT No 19.1156 13 DEC 1957 PUBLIC WORKS & ELEC. DEPTT.

Secy (H.D) (Sri R.J. Rebello) — 3/12/57

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

62) I agree with the Law Secretary. The question of withdrawing the case with the permission of the Court will arise when a charge-sheet is filed and not during the stage of investigation.

(R.J.Rebello)
Secy. to Govt.
Home Deptt.

OFFICE OF THE CHIEF MINISTER No. 3825 Date 16.12.57

Secy. P.W.D) — 6/12

63) F 3088

For perusal. In view of the above circumstances we may have to wait till a final report is submitted by the Police.

Min. PWD
Min. Home & Ind
& Chief Min.

13/12

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

THE MINISTER FOR HOME AFFAIRS & INDUSTRIES OFFICE OF No. 3316 14 DEC 1957

64) 14/12

15.12.57

65) Secy P.W.D.

16/12/57

Note.—Contn. Sheet

Bhadra Project – misappropriation of ~~bonds~~ Treasury keys

Sri D.C. Srinivasaiah.

File No. of 195.

Mysore Government
Secretariat

Serial No.

66) Secy (H.D) may see before issue

Secy (H.D)
(In charge Rep)

22/1/58

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

Secy. P.W.D.)

22/1

67) Issue

Secy.

68) The letter received from the D.G.P. stating that the investigation has not yet been completed is placed in the file is for perusal

69) 25/1

for perusal

Min. P.W.)

3/2/58

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

70) WM 6/2

For

Chief Min.)

10/2/58

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

71) The Charge-sheet I case WD has been filed. The question of withdrawal and dismissal of the appeal will have to be considered. Pl. see if the matter has to come up for consideration of the Council so that the same may be done

Secy P.W.D. 11/2/58

22) Case set informally from Secy P.W.D. at once

WD-0136-GPB—P. Z. S.—80,000—21-4-57.

SECRETARY TO GOVERNMENT
No. 1489
22 JAN 1958
PUBLIC WORKS & ELEC. DEPTT.

F 3688

SECRETARY TO GOVERNMENT
No. 1757
10 FEB 1958
PUBLIC WORKS & ELEC. DEPTT.

No. 3821
Date. 10.2.58

Mysore Government Secretariat

Pavagada Project - Misappropriation of Govt money by Sri. D.C. Sharanappa, Cashier. [App. F. III 2

File No. of 195 .

Serial No.	
	Issued to PA 12 & 11.2.58 to D.G.P.
	Letter No. C.4 & 17-S-7 & 15.2.58 from D.G.P stating that the investigation of the case has been completed and a Charge Sheet filed in the I Class Magistrate Court, Shimoga on 4-3-58
73)	Reference paras 60, 62 and 71
	17/2
74)	The D.G.P's report is for perusal. Now that the Charge sheet has been placed, it is for consideration whether the C.M's opinion on the quasi application for withdrawal may be called for. It may however be mentioned that before the Charge sheet was filed, that is as stated in his report of 11.10.57 (vide Page 57 C.F.), the C.M. recommended sympathetic consideration of the request for withdrawal made by the failed of the accused. It may therefore be noted that the C.M. is the author of the Report.
	Sec (H&F) 17/2/58
	(for Sec Rev)
75)	It does not appear necessary to consult the A.G.P. in view of the opinion previously expressed by the C.E. & the minutes at paras 55 to 57.
	Sec P.W.D. 17/2

SECRETARY TO GOVERNMENT No. P.W. 115 17 FEB 1958 PUBLIC WORKS & ELEC. DEPTT.

Note.—Contn. Sheet

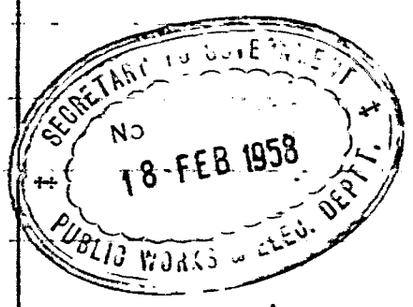
File No. of 195 .

Mysore Government Secretariat

Serial No. 49.115

76) ... for fo. remarks, yg. n. ... withdrawal ... case. ... Secy to G. ... (Mr RP Varudes)

18.2.58
D. K. SRINIVASACHAR
Secy, P. W. & Elec. Depts.



529/25
18.2.58

77) This is a case of criminal misappropriation of Government funds up to a sum of Rs.1200/- by one Sri Sharanappa who was a cashier in No.9 Survey and Designs Division, Bhadra Reservoir Project. The accused Sharanappa (who has been charge-sheeted in the Court of the Special First Class Magistrate, Shimoga) absconded after ~~xxxxxxx~~ committing the offence. He wrote two petitions dated 12.7.1957, one to the Chief Minister and another to the Executive Engineer admitting his guilt. He pleaded that he was defrauded by some contractor and stated that he would be ending his life shortly after writing those letters expressing ~~remorse~~ Concern at the pitiable condition of his wife and children after his death. Having absconded from 9.7.1957 he surrendered himself to Court on 30.~~7~~.12.1957. Meanwhile, his father made good the amount misappropriated by his son and has filed a petition for withdrawal of the case pending before the criminal court.

78) There are no grounds of public policy nor reasons of State involved for withdrawing the case. There is also nothing to show that the witnesses are not prepared to speak the truth and the prosecution is likely to fail. On the other hand, the

WD-0136 -GPB—P. Z. S.—80,000—21-4-57.

Serial No.

the accused has admitted the guilt. The accused is ~~xxx~~ stated to be 30 years. Even in his petition before the Chief Minister he has admitted having put in 10½ years of service. He can neither be said to be very young nor inexperienced. That his father has made good the amount can never be a sufficient justification for withdrawal of the case particularly, when the offence is one of misappropriation of Government money to the extent of nearly Rs.1200/-. Dangerous precedent would be set up if payment of the amount misappropriated is considered to be a sufficient ground for withdrawal. In his letters dated 12.7.1957 he has stated that he would be committing suicide but he has actually surrendered to the Court on 30.12.1957. It will not be safe to take serious note of the accused's letters that he would commit suicide because in every such case of the commission of even a serious offence there might be such threats in the hope that they would induce the Government for withdrawing the case.* The offence involved is a serious one and I do not think there are sufficient grounds for withdrawal. It is also doubtful if the Court would grant -- permission for withdrawal on such grounds as are alleged in this case. If there are any extenuating circumstances the Court would consider the same at the time of passing sentence.

* The accd's father seems to have apprehended that the accd might have some mad (vide note, page 55) There are no indications of that effect.

(R.P. Vasudeo)
Law Secretary.
21.2.1958.

Secretary, P.W.& Elec.Depts.
(Sri D.K. Srinivasachar)

dh
21/2
D/S (P.W.D.)

79

I agree with the Law Secretary. Since, however, apprehensions have been expressed

Note.—Contn. Sheet

Serial No.

ns. 115

and other powers at para 57 to 59),
this will be a case for consideration of
Council under Rule 9 (xxvii) of the
Mysore Govt. Rules of Business as
it is said that the Railway Department is
not in favour of withdrawal of the case.
If approved, a Council note will be
put up

MMM

Min: PW
Hon Chief Sec

DPA
22/2.

KCR
22/2

BCN

Sec

Chief Sec

24/2

Handed over in
person by the D/S. on
25. 2. 58.

25/2

A draft Council note is put up for
approval.

27.2.58

Secy
P.W.D.

8/4 4/3 Chief Sec 1/3 1/3/58 M.P.W.D. 1/3/58 Council

WD 04784—GPB—PZS—300,000—26-10-57

Misappropriation of Funds from Shri B.C. Shivanappa, Ex-cashier, No. 9, Survey and Designs Division, Jayanagar, Channagiri Taluk. attached to Bhadra Project

MYSORE GOVT. SECRETARIAT
No. C 456/57-8
4 MAR 1958
G. A. D. (COUNCIL SECTION)

(87)

Council Case No. C. 456/57-8.

Date 4-3-58.

FOR CONSIDERATION AT
A MEETING OF THE COUNCIL

Council Note circulated for information

Dy. Secy.
GAD.

Chief Minister,
All Ministers.

SECRET. PWD 218 BRP 57.

COUNCIL NOTE.

SUBJECT:- C.455/57-58.

(88) Misappropriation of Funds by Sri B.C.Sharanappa, Ex-Cashier, No.9, Survey and Des[illegible]s Division, Bhadra Praject, Tyavanige, Chennagiri Taluk.

Shri B.C.Sharanappa was a cashi[illegible] Signs Division, Tyavanige, Chennagiri Taluk, attached to the Bhadra Project. He wrote two letters dated 12-7-1957, one to the Chief Minister and the other to the Executive Engineer, Survey and Designs Division, stating that he had mis-appropriated Government funds up to Rs.1,200/-. He pleaded that he was defrauded by some Contractor and stated that he would be committing suicide (by drowning) after writing those letters. It was reported by the Department that Shri Sharanappa left the headquarters on the evening of 9-7-1957, without handing over charge, but leaving the key of the cash chest on the table of the Accountant and since then his whereabouts were not known. The Executive Engineer, who was on tour, on his return to head-quarters found that a sum of Rs.1,204-77 nP. was short in the cash balance and that a cheque drawn in favour of a Contractor by name Shri Arjun Singh for Rs.4,341-44 nP. which had bot been delivered to the party, was found missing. The Bank of Mysore, Davangere was requested by the Executive Engineer to with-hold payment on this cheque, as it was not yet presented for encashment. The Executive Engineer, then reported the facts of the case to the Police authorities at Santhebennur for further action. The D.S.P., Shimoga addressed a letter to the Executive Engineer on 26-8-1957 intimating that Shri Sharanappa addressed a letter to his wife subsequently and that efforts were being made to trace the accused who was absconding. It was subsequently reported that the amount of Rs.1,204-77 nP. misappropriated by Shri Sharanappa, had been remitted by Shri B.Channabasavappa, father of Shri Sharanappa to the Bank of Mysore, Limited, Davangere on 13-9-1957. Shri Channabasavappa (father of the accused) also submitted a petition to the Chief ~~Engineer~~ Minister requesting that the case be considered sympatically and that the case may be withdrawn. The Chief Engineer also subsequently reported that the Superintending Engineer, Tungabhadra Valley Circle had recommended that the police case may be withdrawn and that departmental action may be taken against the official and suitable punishment meted out to him. The Chief Engineer was also of the opinion that as the loss to Government has since been made good and as the offender is a young man of about 30 years, the case may be viewed sympathetically. It was considered that the withdrawal of the case could be examined, if at all, only after obtaining the full information from the police department. It was ascertained from the police authorities, that a case in C.R. No.127-57-US-409 IPC had been registered against Shri B.C. Sharanappa and was under investigation. At this stage, the Chief Minister was pleased to remark on the file as follows:-

"It is evident that the man has committed the offence and deserves punishment. But the amount has been paid in full by the father of the official. The father told me that the official tried to commit suicide and is not to be traced and that he is afraid that the fellow has gone made. There seem to be two alternatives open. One is to dismiss him from service and drop further investigation and be done with it, or to proceed with the investigation, filing of charge sheet, enquiry, etc. As no charge sheet has been placed, I would prefer the first alternative.

2) The Public Works Minister and the Home Minister agreed that the official might be dismissed from service and that further

investigations ... 2

investigations might be stopped and the prosecution withdrawn, as suggested by the Chief Minister above.

3) The Law Department, who were consulted at this stage in the matter of withdrawing the case opined that the question of withdrawing the case with the permission of the Court, would arise only when a charge sheet is filed and not during the stage of investigstion. Hence, it was decided to wait till a final report is received from the Police authorities. At this stage, the Chief Minister was pleased to direct that the question of withdrawing the case and dismissal of the official will have to be considered and if necessary the matter placed before the Council for consideration. It was subsequently intimated by the Inspector General of Police that Shri B.C.Sharanappa (who was absconding from 9-7-1957) surrendered himself to the Court on 30-12-1957, and that the investigation of the case was completed and a charge sheet was placed in the Court of the Special First Class Magistrate, Shimoga on 4-2-1958. It is also reported that the case has been taken on the file in C.C.No.488/58 and stands posted to 4-3-1958, for hearing.

4) The file was referred again to Law Department for their remarks regarding the withdrawal of the case. The Law Department have stated as follows:-

"There are no grounds of public policy nor reasons of State involved for withdrawing the case. There is also nothing to show that the witnesses arenot prepared to speak the truth and the prosecution is likely to fail. On the other hand, the accused has admitted the guilt. The accused is stated to be 30 years. Even in his petition before the Chief Minister he has admitted having put in 10½ years of service. He can neither be said to be very young nor inexperienced. That his father has made good the amount can never be a sufficient justification for withdrawal of the case particularly, when the offence is one of misappropriation of Government money to the extent of nearly Rs.1,200/-. Dangerous precedent would be set up if payment of the amount misappropriated is considered to be a sufficient ground for withdrawal. In his letters dated 12-7-1957 he has stated that he would be committing suicide but he has actually surrendered to the Court on 30-12-1957. It will not be safe to take serious note of the accused's letters that he would commit suicide because in every such case of the commission of even a serious offence there might be such ~~khmmghks~~ threats in the hope that they would induce the Government for withdrawing the case. The accused's father seems to have apprehended that the accused might have gone madd. There are no indications to that effect. The offence involved is a serious one and I do not think there are sufficient grounds for withdrawal. It is also doubtful if the Court would grant permission for withdrawal on such grounds, as are alleged in this case. If there are any extenuating circumstances, the Court would consider the same at the time of passing sentence."

5) The case is submitted to the Council for consideration under rule 9(xxvii) of the Mysore Government Rules of Business, as the advice of the Law Department is not in favour of withdrawal of the case.

for (D.K.Srinivasachar),
Secretary to Government,
Public Works Department.

4.3.58

BRN/4-3-58.

1957-58.

Extract from the Proceedings of the...Forty-ninth.....*Meeting of the Council of Ministers held at Bangalore on*...6th.March.....1958.....

(89)

SUBJECT:- C.455/57-58.

Misappropriation of funds by Sri B.C.Sharanappa, Ex-Cashier, No.9, Survey and Designs Division, Bhadra Project, Tyavanige, Channagiri Taluk.

DECISION OF COUNCIL.

Prosecution need not be withdrawn.

(SD) S.NIJALINGAPPA
CHIEF MINISTER
6..3.58.

NB: A copy of action taken on the Council decision may please be sent to Council Section.

SECRETARY TO GOVERNMENT
Dept. 6/3/58
PUBLIC WORKS & ELEC. DEPTT.

Secretary, PWD 6/3

(90) & 6/3

(91) & 7/3

Supt. NH

(92) KL 7/3

(93) A draft letter as per notings is put up for signature.

9/3/58. DS. may also see before issue 11/3/58

KL 11/3

DS

12/3/58 12/3

KL 12/3

"EXTRACT"

T.V.Subramanyam
Deputy Chief Secretary to Government. G.A.D.